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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,105	03/12/2001	Mitsuyuki Fujibayashi	1272.C0451	6436

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EXAMINER

MOUTTET, BLAISE L

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/803,105

Applicant(s)

FUJIBAYASHI ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5 and 7-11.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Response to Arguments

The applicant has argued, regarding pending claims 1-5 and 7-11, that Beauchamp et al., as utilized in the applied rejection, fails to disclose control means or a control step controlling the drive timings of the plurality of print elements according to a difference in a detection time, detected by the detection means, of printed pixels printed by at least two of the plurality of printing elements. The applicant argues that Beauchamp et al. adjusts the drive timing according to curvature of the platen or the scanning speed of the carriage rather than in the fashion claimed by applicant.

Firstly, the examiner notes that the proposed amendments to the claims will not be entered at this time because the amendments would require further consideration and searching by the examiner, which is inappropriate after a final rejection.

Secondly, the examiner notes that Beauchamp et al. does control the ejection timing according to a difference in a detection time, detected by detection means, of printed pixels printed by at least two of the plurality of printing elements (see column 5, lines 37-40 and column 9, lines 1-15 of Beauchamp et al.)

Thirdly, while the examiner notes that Beauchamp et al. is correcting a materially different problem than applicant (i.e. correcting for curvature of a platen and speed of the printhead rather than for a mounting error of a printhead resulting in a tilt of the printhead) it is also noted that the apparatus and method steps employed in solving this problem must be distinguished from what is disclosed and rendered obvious by the prior art. The most noted feature, in the examiner's opinion, that distinguishes this aspect of applicant's invention from Beauchamp et al. is that the timing corrections are performed

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for at least two of the plurality of print elements used in a single pass of the printhead to correct a skew of the printhead (as shown in figures 3b and 3c of applicant's drawings).

There is **no claimed limitation**, either previously presented or presented in the proposed amendment, introducing this aspect of applicant's invention. It is noted, however, that Askren US 6,350,004, previously provided of record, also performs timing correction for a plurality of print elements used in a single pass to correct a skew of a printhead (see figure 6 and 7, column 2, lines 21-30 and column 7, lines 24-36 of Askren).

Blaise Mouttet September 9, 2002

Bm Sept. 9, 2002


John Barlow
Supervisory Patent Examiner
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